ARIZONA STATE BOARD OF ACCOUNTANCY

OPEN SESSION MINUTES

November 13, 2007

Members of the Arizona State Board of Accountancy held a meeting at 8:24 a.m. on Monday, November 13, 2007 at the Accountancy Board Office in Suite 165, 100 N. 15th Avenue, Phoenix, Arizona. Executive Sessions were held from 8:41 a.m. to 9:10 a.m. and from 10:30 a.m. to 10:54 a.m.

Patrick J. Ramirez	President Treasurer Secretary Member Member Member Member
☎ Appeared telephonically⊘ Left at 11:27 a.m.	
Jim Dubé Seth T. Hargraves, Esq Daniel R. Christl, Esq Ryan P. Edmonson	Executive Director Deputy Director Assistant Attorney General Assistant Attorney General Programs & Projects Specialist II Administrative Assistant III
Cindie Hubiak, CPA, Kevin DeMennaGreg Harris, EsqKevin DeGroote, CPA	

The meeting was called to order at 8:24 a.m. by Marianne E. DeVries, President. The following order of business was then considered:

OPEN SESSION

CALL TO THE PUBLIC

No one wished to address the Board.

MINUTES

October 15, 2007 Board Meeting

A motion was made by Samuel L. Fogleman, seconded by James E. May and passed to approve the Open Session Minutes from the October 15, 2007 Board meeting, as amended.

A motion was made by Samuel L. Fogleman, seconded by James E. May and passed to approve the Executive Session Minutes from the October 15, 2007 Board meeting, as amended.

DECLARATION OF CONFLICTS OF INTEREST

Debbi Fitzgerald, CPA declared conflicts on John James Kearney and Jialin Weng of the consent agenda.

Samuel L. Fogleman, CPA declared conflicts on Christopher D. Hunt, Amanda Nicole Brown, Kirstin Ann Gardner and Isaac Benjamin Morgan of the consent agenda.

Gary W. Fleming, CPA declared a conflict on Shannon Marie Titch in two different locations of the consent agenda.

EXECUTIVE DIRECTOR'S REPORT

Valerie M. Elliott, Executive Director, gave an update to the Board on the performance measurements and agency operations.

Ms. Elliott requested, from the Board, that the Board's office be allowed to close on December 14, 2007 for a staff holiday party.

A motion was made by James E. May, seconded by Patrick J. Ramirez and passed to approve closing the Board's office on December 14, 2007 for a staff holiday party.

Ms. Elliott discussed the issuance of the 15,000th certificate from the Board. The Board discussed inviting the recipient of the 15,000th, 10,000th and 5,000th certificates to a future Board meeting and provide special framing for the 15,000th certificate.

EXECUTIVE SESSION

A motion was made by Samuel L. Fogleman, seconded by Patrick J. Ramirez and passed to go into Executive Session at 8:41 a.m. to seek legal advice and review confidential material pursuant to A.R.S. § 38-431.03(A)(2)(3) and (4).

After consideration in Executive Session, the Board reconvened in Open Session at 9:10 a.m.

ITEMS FOR BOARD REVIEW, DISCUSSION AND LEGAL ACTION Recommendations from the Mobility Task Force

Donald R. Bays, Chairman of the Mobility Task Force and Cindie Hubiak, member of the Mobility Task Force were present. Mr. Bays and Ms. Hubiak gave an update on the work of the Task Force, including the proposed draft. Also present was Greg Harris, Esq from Lewis & Roca and Kevin DeMenna from DeMenna & Associates to provide legislative advice. The Board made technical and grammatical amendments to the draft.

A motion was made by Samuel L. Fogleman, seconded by Gary W. Fleming and passed to direct staff to prepare a draft consistent with the draft proposed by the Mobility Task Force and the amendments made by the Board.

The Board discussed sponsorship and initiation of the bill.

A motion was made by Samuel L. Fogleman, seconded by Patrick J. Ramirez and passed to allow the bill to be run by the Arizona Society Certified Public Accountants (ASCPA).

Proposed Statutory Changes

ii. Board to review and discuss proposed session law regarding terms of Board members

A motion was made by Samuel L. Fogleman, seconded by Patrick J. Ramirez and passed to approve the proposed session law terms, as drafted.

i. Board to review and discuss proposed statutory changes to A.R.S. §§ 32-703(B)(3), 32-721, 32-730(I) and (K) and 32-742(C)

A motion was made by Samuel L. Fogleman, seconded by Patrick J. Ramirez and passed to approve the proposed statutory, as amended.

EXECUTIVE SESSION

A motion was made by Debbi Fitzgerald, seconded by Patrick J. Ramirez and passed to go into Executive Session at 10:30 a.m. to seek legal advice and review confidential material pursuant to A.R.S. § 38-431.03(A)(2)(3) and (4).

After consideration in Executive Session, the Board reconvened in Open Session at 10:54 a.m.

COMMITTEE RECOMMENDATIONS - COMPLAINT/INITIAL ANALYSIS FILES

File No. 2008.012

A motion was made by James E. May, seconded by Samuel L. Fogleman and passed to accept the Tax Practice Committee's recommendation to open an investigation file.

File No. 2008.016

A motion was made by James E. May, seconded by Gary W. Fleming and passed to accept the Tax Practice Committee's recommendation to open an investigation file.

File No. 2008.020

A motion was made by James E. May, seconded by Samuel L. Fogleman and passed to direct the Assistant Attorney General to file a Complaint and Notice of Hearing for revocation.

COMMITTEE RECOMMENDATIONS – INVESTIGATION FILES

File No. 2007.015

A motion was made by James E. May, seconded by Gary W. Fleming and passed to accept the Tax Practice Committee's recommendation to offer a Decision and Order (by Consent) to include one year probation, 8 hours of CPE in the areas of practice management and ethics; 8 hours of CPE in the area of divorce taxation; reimbursement of the Board's costs and he must respond within 30 days.

File No. 2007.078

A motion was made by James E. May, seconded by Gary W. Fleming and passed to accept the Tax Practice Committee's recommendation to close the complaint file, no violations of professional standards.

RESPONSE TO OFFERED DECISION & ORDER (BY CONSENT)

File No. 2007.114

A motion was made by James E. May, seconded by Debbi Fitzgerald and passed to accept the counter offer to change the Decision and Order (By Consent) to include CPE in the area of practice management instead of form 5500.

INITIAL ANALYSIS

No action taken.

NOTICES OF UNLAWFUL USE OF THE CPA DESIGNATION

File No. 2008.024

A motion was made by James E. May, seconded by Samuel L. Fogleman and passed to accept the response and close the file.

ITEMS FOR BOARD REVIEW, DISCUSSION AND LEGAL ACTION Re-consideration of Prior Board Action to file Notice of Hearing

File Nos. 2006.087 & 2006.088; DeGroote, Kevin

Kevin DeGroote was present to discuss the Decision and Order (By Consent) with the Board. Daniel L. Christl, Assistant Attorney General was present and gave an update on the file and recommended that the Board not continue to the administrative hearing, but instead reconsider and offer a Decision and Order (By Consent).

A motion was made by Earl R. Shivers, seconded by Patrick J. Ramirez and passed 6-1 to offer a Decision and Order (By Consent) to include an administrative penalty of \$500.00 for failure to respond timely to the Board.

Samuel L. Fogleman voted against the motion.

Request for CPE pre-approval

File Nos. 2006.087 & 2006.088; DeGroote, Kevin

A motion was made by Debbi Fitzgerald, seconded by Samuel L. Fogleman and passed to approve the registrants request for pre-approval of an ethics course offered by Walter Haig.

CONSENT AGENDA

(The Board may pull any of the following items off the consent agenda to take individual action.) Board discussion and legal action on the following items:

Due to conflicts, Mr. Fogleman requested Christopher D. Hunt; Amanda Nicole Brown; Kristin Ann Gardner and Isaac Benjamin Morgan be pulled from the consent agenda and voted on separately.

Due to conflicts, Ms. Fitzerald requested John James Kearney and Jialin Weng be pulled from the consent agenda and voted on separately.

Due to a conflict, Mr. Fleming requested Shannon Marie Titch be pulled from the consent agenda, in two different areas and voted on separately.

A motion was made by Samuel L. Fogleman, and seconded by Debbi Fitzgerald and passed to accept the following consent agenda:

a. Recommended for Registration of Professional Corporation for the following Applicants - (Meets the requirements of A.R.S. § 32-734):

Meyers Business Consulting PLLC Frank A. DeBenedetti CPA PLLC

Partner: Daniel J. Meyers 4157-E Partner: Frank A. DeBenedetti 10833-E

Steven A. Kaiblinger CPA PLLC Sharp CPA PLLC

Partner: Steven A. Kaiblinger 8024-E Partner: Jay D. Sharp 9215-R

OPEN SESSION

November 13, 2007

Page 6

Schneider, Haney, Brengi & Jordan PLLC

Partners: Stacy A. Schneider 4598-E

Martha D. Haney 3754-E Judy Brengi 5750-E Cathy Jordan 3010-E

Dodge LLC

Partner: Rachel Dodge 8782-R

b. Recommended for Firm Name Change:

Primestar Financial Services PLC MJA Financial Services PLC 2856-L Partners: Michael Koning 10171-R

Jeff Thiede 12520-E

C. Wesley Addison PC Addison & Gadea PC 2149-C

Partner: Charles Wesley Addison 3189-E

M.A.X. Services LLC Maxwell Accounting

& Executive Services LLC 2607-L Partner: Denise D. Maxwell 12822-E

R. Erickson PC Erickson PC 414-C

Partner: Robert J. Erickson 2873-E

James L. Privee CPA PC Privee & Company Ltd 900-C

Partner: James L. Privee 2011-R

Schumann, Adriano & Company PC Merlin Schumann & Company PC 2350-C Partners: Merlin J. Schumann 1746-R

Charles M. Adriano 5589-E Scott R. Gastineau 11119-E

c. Recommended for Cancellation of Certificate per registrant's request not to renew:

Nadine R. Coffin 3822-E Ronald D. Eischer 12707-R Leslie Catherine Morton 8963-E Robert K. Smith 12288-R

Larry Alan Wiggs 1856-E

Benjamin Matthew Coleman 13100-R

Zane Greene 841-E Robyn L. Ichilov 9545-R

Edith Hopkins Madson 13434-R

Ardis R. Ribail 13578-R

Barbara Esther Streusand 4082-R

d. Recommended for Reissuance of Certificate because of Name Change:

Nicole Blankenbaker (Teree Simpson) 12601-E

Lauri T. McAuliffe (Kuhl) 14605-E

Kimberly S. Lovell (Jepson) 10244-R

Tammy F. Humiecki (M. Farrell) 11787-E

e. Recommended for Reactivation of Certificate from Inactive Status - A.R.S. §32-730(E):

Kristin English 13027-E

Richard E. Potter 7310-E

OPEN SESSION

November 13, 2007

Page 7

f. Recommendation of the Certification Committee for approval of Certification by Examination - A.R.S. §32-721:

Emily Abbott Della Stuart

Mona L. Chahal Patrick J. Smith

Cindy S. Clinco Louise P. Courtney

Joseph Crockett Adam M. Fanello

Ryan K. Hall John S. Hoover

Karl W. Keck Charles Kilpatrick

Kate Krenke Melissa Charline Lawless

Wayne N. Layton Fei Lin

Janette Lynn Wallin Tatiana Pekina

Jason D. Schiessler

g. Recommendation of the Certification Committee for approval of Certification by

Reciprocity based on Substantial Equivalency - A.R.S. § 32-726(B):

Katie L. VanderMolen – Michigan Michael D. Foster – Michigan

Shawn Michelle Macklin – California Steven L. Morrow – Oregon

J. Darlene Rorabaugh – Georgia Douglas P. Van Meter – Oklahoma

h. Recommendation of the Certification Committee for approval of Certification by

Grade Transfer - A.R.S. § 32-721:

Theresa Hartke Anderson –

Shukkam Cheng - New York

Nevada

Nicole L. Rowland - Utah

i. Recommendation of the Certification Committee for approval of Examination

Candidates for the Uniform CPA Exam - A.R.S. § 32-723:

Tara L. Alix Guy Charles Bowman

Rogelio Manuel Cervantes Brandon Glen Curtis

Preeti Dharmarajan Matthew H. Dodson

Jared Alan Eutsler Karina E. Felix Marquez

Sasha Marie Fernandez Sharon Fixman Bricker

Elena Yurjevna Gerasimovich Valerie Alyssa Helms

Xiaohui Jiao William David Krause

OPEN SESSION

November 13, 2007

Page 8

Josh Lloyd Kunde Stephanie Marie Lewis

Xiaomei Liang Jane M. Lisi

Irina Z. McMahon Beth Melissa Machtolf

Rajani Radhakrishnan Nair Suddhida Ubolfu Omeara

Jason Cortez Phillips Benjamin Richard Podraza

Charlene Joanna Ruiz Dilia Rebecca Sanchez

Elise Walz Shurtliff Rebecca Megan Tomko

Sarah Anne Toppin Lacy J. S. Van Hill

Matthew James Van Wallene Julia Maureen Welsh

j. Approval of Candidates who have passed the Uniform CPA Examination:

William Ashcroft Aaron Kristen Alber

Heather M. Argenio Erin Kimberly Barry

Matthew Justin Bingham Aaron D. Blau

Nathan Jeremy Bolt Rachel Marie Bosworth

Jeffrey R. Brimhall Matthew Ray Brody

Jacqueline Ann Bruhn Jerome Bruggeman

Vivek Chaturvedi Ashley Ann Chard

Anthony Christopher Combs Joshua L. Cline

Elizabeth Mary Davis Randena Port Darpli

Eugenio Armando Fontes Danica Djordjevich

Mary Kathleen Gilbaugh Robert James Griffiths

Blaine Cox Harmon Jarom Craig Huff

John Michael Hundman Sabrina Soyoung Hur Jennifer Lyn Husemann Katie Lorena Jackson

Jamie Allen Jarman Mark Grayson Kappelman

Gregory James Karnos Richard Colin Keyt

Allan Conrad Klose David J. Kravec

Katherine D. Krueger Maheen Kukaswadia

Kelly Deannine Langdon Shen Lew

Jennifer Kathryn Little Mark Tyler Lovstrom

Shelby Linn MacDonald Jason Carl Mackey

Michelle Lynn Mallory David William McCarthy

Josh Alan McClure Roberta Lynne McCue

Michael D. McKay Erin Riley Olson

Scott G. Moushon Brandt Richard Palmer

Anne Marie Ortiz Chantal L. Regan

Denise Rayas Adam Robert Rutherford

William Earl Rogers Jr. Kristin Marie Schulke

Laura Jean Sadauskas Jasjeet Pal Singh

Elizabeth N. Shlapack

Della Marie Stuart

Sujinan Wangwiwadth

Eric Jason Whitfield

Katherine Nicole Wieck

k. Recommendation of the Peer Review Oversight Advisory Committee for approval of the following firms in compliance with A.A.C. R4-1-454:

Bailey, Blum CPA'S, PLLC 2705-L Caldwell, Geoffrey, CPA, PC 436-C

Chaffee Traasdahl & CO 2477-C Delgado, Sam CPA 5895-S H & M Accounting LLC 2538-L Jaffa Simmons PLLC 2715-L

Milliner, Charles E 4238-S Siegler & Siegler CPA'S PC 1054-C

Stern, Monica J., CPA, PLLC Studinger & Leitner, CPA'S, PC

2088-L 1141-C

CONSENT AGENDA

A motion was made by Debbi Fitzgerald, seconded by Patrick J. Ramirez and passed to approve the following consent agenda item:

16-c. Recommended for Cancellation of Certificate per registrant's request not to renew:

Christopher D. Hunt 14296-R

Samuel L. Fogleman declared a conflict and did not vote.

A motion was made by Samuel L. Fogleman, seconded by Patrick J. Ramirez and passed to approve the following consent agenda item:

16-c Recommended for Cancellation of Certificate per registrant's request not to renew:

John James Kearney 3316-E

Debbi Fitzgerald declared a conflict and did not vote.

A motion was made by Samuel L. Fogleman, seconded by Patrick J. Ramirez and passed to approve the following consent agenda item:

16-f Recommendation of the Certification Committee for approval of Certification by Examination - A.R.S. §32-721:

Shannon Titch

Gary W. Fleming declared a conflict and did not vote.

A motion was made by Patrick J. Ramirez, seconded by James E. May and passed to approve the following consent agenda item:

16-f Recommendation of the Certification Committee for approval of Certification by Examination - A.R.S. §32-721:

Jialin Weng

Debbi Fitzgerald declared a conflict and did not vote.

A motion was made by James E. May, seconded by Debbi Fitzgerald and passed to approve the following consent agenda items:

16-j Approval of Candidates who have passed the Uniform CPA Examination:

Amanda Nicole Brown; Kirstin Ann Gardner and Isaac Benjamin Morgan

Samuel L. Fogleman declared conflicts and did not vote.

A motion was made by Samuel L. Fogleman, seconded by Patrick J. Ramirez and passed to approve the following consent agenda item:

16-i Approval of Candidates who have passed the Uniform CPA Examination:

Shannon Marie Titch

Gary W. Fleming declared a conflict and did not vote.

ITEMS FOR BOARD REVIEW, DISCUSSION AND LEGAL ACTION Termination of Decision & Orders (By Consent)

File No. 2002.074; Stern, Jeffrey L.

A motion was made by James E. May, seconded by Patrick J. Ramirez and passed to terminate the Consent Order and close the file.

PRESIDENT'S REPORT

Marianne E. DeVries, Board President gave an update to the Board regarding the National Association of State Boards of Accountancy's Annual Meeting.

ITEMS FOR BOARD REVIEW, DISCUSSION AND LEGAL ACTION <u>Application for the Uniform CPA Exam, Denial by Certification Committee</u> A.R.S. § 32-723

Mel Lee Williams, Jr.

Samuel L. Fogleman reviewed the file. A motion was made by Samuel L. Fogleman, seconded by Earl R. Shivers and passed to deny his application for the Uniform CPA exam.

Application for Certification by Reciprocity Based on Substantial Equivalency, Deferral by Certification Committee - A.R.S. § 32-726(F)

<u>Donald A. Reeves, Jr. – Colorado</u>

Samuel L. Fogleman reviewed the file. A motion was made by Samuel L. Fogleman, seconded by Debbi Fitzgerald and passed to approve his application for certification by reciprocity and pursuant to A.R.S. § 32-726(F).

<u>Application for Certification by Examination, Deferral/Denial by Certification</u> <u>Committee - A.R.S. § 32-721</u>

Erin Riley Olson

Gary W. Fleming reviewed the file. A motion was made by Gary W. Fleming seconded by James E. May and passed to deny the registrant's request for application for certification by examination because she is short three hours of accounting, and to appoint Valerie M. Elliott, Executive Director or Jim Dubé, Deputy Director as a designated representative of the Board to conduct a informal settlement conference, if requested, with limited authority to settle.

<u>Issues from and regarding the National Association of State Boards of Accountancy (NASBA)</u>

Valerie M. Elliott, Executive Director, reviewed and discussed the following NASBA issues with the Board.

- i. CPA Exam Review Board Management Letter for 2006 CPA Examination Year
- ii. Diagnostic report for CPA Examination Candidates

iii. Communication Officer

A motion was made by Patrick J. Ramirez, seconded by James E. May and passed to deny the request to appoint a Communication's Officer and direct staff to send letter confirming the denial.

iv. <u>Draft letter discussing issues and concerns involving the Board communications and interactions with NASBA, including the level of NASBA's cooperation in meeting the Board's purposes</u>

The Board reviewed the draft letter and made amendments for final approval and delivery and to include an invitation to David Costello, President of NASBA, to attend a Board's future meeting.

A motion was made by Patrick J. Ramirez, seconded by James E. May and passed to send letter as amended with the authority for the Executive Director to use the President's stamp as signature.

<u>Issues from and regarding the American Institute of Certified Public Accountants (AICPA)</u>

i. <u>Improving the Uniform CPA Examination</u>
Tabled until the December Board meeting.

<u>Application for Certification by Examination, Deferral/Denial by Certification Committee</u> - A.R.S. § 32-721

Maren D. Anderson

Isaac Morgan

Nevil Shah

Debbi Fitzgerald reviewed the files. A motion was made by Debbi Fitzgerald, seconded by Patrick J. Ramirez and passed to deny the requests for application for certification by examination because they were all short three hours of accounting, and to appoint Valerie M. Elliott, Executive Director or Jim Dubé, Deputy Director as a designated representative of the Board to conduct a informal settlement conference, if requested, with limited authority to settle.

Jeff Chirico

Patrick J. Ramirez reviewed the file. A motion was made by Patrick J. Ramirez, seconded by James E. May and passed to approve his application for certification by examination.

Rollin L. Stark

Marianne E. DeVries reviewed the file. A motion was made by Marianne E. DeVries, seconded by Earl R. Shivers and passed to approve his application for certification by examination.

<u>Application for Certification by Reciprocity Based on Substantial Equivalency, Deferral by Certification Committee - A.R.S. § 32-726(B)</u>

Matthew W. Brunner – Wisconsin

Marianne E. DeVries reviewed the file. A motion was made by Marianne E. DeVries, seconded by James E. May and passed to accept his application for certification by reciprocity based on substantial equivalency.

Alfred C. Watts – New Mexico

James E. May reviewed the file. A motion was made by James E. May, seconded by Debbi Fitzgerald and passed to accept his application for certification by reciprocity based on substantial equivalency.

Request for NTS Extension on Uniform CPA Exam

Gina Foroughi

A motion was made by Patrick J. Ramirez, seconded by Debbi Fitzgerald and passed to deny her request for an extension.

Request for a CPE Waiver and/or Fee Waiver - A.R.S. § 32-730(C) & (D)

Edward C. Bunker 2192-E

Sara A. Dotson 8554-E

Susan K. James 4156-E

Christine Marie Lay 5596-E

A motion was made by James E. May, seconded by Debbi Fitzgerald and passed to grant their requests for CPE and Fee Waivers.

Request for a CPE Extension

Louis Friedman 611-E

A motion was made by James E. May, seconded by Patrick J. Ramirez and passed to deny his request for CPE extension, and to offer a Decision and Order (By Consent) to cure CPE deficiencies.

Request for Inactive Status – A.R.S. § 32-730

David Price Allen 2436-E

A motion was made by Debbi Fitzgerald, seconded by Patrick J. Ramirez and passed to defer action and request additional information, from the respondent regarding job title and responsibilities.

Antonella Dekort 13213-R

A motion was made by Debbi Fitzgerald, seconded by Patrick J. Ramirez and passed to grant her request for inactive status.

Application for Reinstatement – A.R.S. § 32-748:

Sharon E. Witherspoon 2947-E

A motion was made by Debbi Fitzgerald, seconded by Patrick J. Ramirez and passed to approve her application for reinstatement.

Recommendations of CPE Committee

i. Regarding rule change to allow CPE for Peer Review, A/A & Tax Committee Members

A motion was made by Debbi Fitzgerald, seconded by James E. May and passed to accept the CPE Committee's recommendation to open a rule making docket.

ii. Regarding the Implementation Date for the rule change to R4-1-453

A motion was made by Debbi Fitzgerald, seconded by James E. May and passed to accept the CPE Committee's recommendation to open a rule making docket.

<u>Certification Committee Recommendation Regarding Appointment of a New</u> <u>Member</u>

Jeanette C. (Carolina) Apostol CPA 14094-E

A motion was made by Patrick J. Ramirez, seconded by Debbi Fitzgerald and passed to accept the Certification Committee's recommendation to approve the appointment of Jeanette C. (Carolina) Apostol to a five year term on the Certification Committee.

Board Letters sent by Staff

Jim Dubé, Deputy Director reviewed the Board's correspondence with the Board.

Certification by Reciprocity by Substantial Equivalent - A.R.S. 32-724 & 32-726 No action taken.

Consumer Request for access to Licensee Address and Telephone Numbers on Agency Website

A motion was made by Patrick J. Ramirez, seconded by James E. May and passed to deny the request.

SUMMARY OF CURRENT EVENTS

None.

DISCUSSION OF ITEMS TO BE PLACED ON FUTURE MEETING AGENDA

The Board discussed adding the Executive Director's performance review on the Board's next meeting agenda.

ADJOURNMENT

A motion was made by James E. May, seconded by Patrick J. Ramirez and passed to adjourn at 12:36 p.m.

OPEN SESSION November 13, 2007

Page 15

Patrick J. Ramirez, Member, Treasurer

James E. May, Member, Secretary

Debbi Fitzgerald, CPA Member

Gary W. Fleming, CPA Member

Samuel L. Fogleman, CPA, Member

Earl R. Shivers, CPA, Member